

# Supplemental Notice of Allowability

Application No.

09/659,500

Examiner

Chad Rapp

Applicant(s)

CRETELLA ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 08/23/04.
2. ☒ The allowed claim(s) is/are 1-22 and 28-31 renumbered as 1-26.
3. ☐ The drawings filed on 11 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>01/03/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|   | 9. <input type="checkbox"/> Other _____  |

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

As to independent claim 1, "retrieving from the database an environment-control parameter as a function of the identified cargo" and "regulating the environment-adjusting system with the controller to adjust an environment of a conditioned space of an environment-controlled transport unit based upon the environment-control parameter communicated from the database to the controller", in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

As to independent claim 6, "retrieve from the database an environment-control parameter as a function of the identified cargo" and "regulate an environment-adjusting system with a controller to adjust an environment of a conditioned space of an environment-controlled transport unit based upon the environment-control parameter communicated from the database to the controller", in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

As to independent claim 11, "a database communicatively connected to the controller, wherein the database comprises a cargo identification and an environment-control parameter as a function of the cargo identification" and "wherein the controller is configured upon selection of a cargo identification by way of the input device to retrieve the environment-control parameter as a function of the cargo identification from the database and to regulate the environment-adjusting system based upon the environment-control parameter", in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

As to independent claim 22, “an environment control system configured to receive into a database a cargo identification and to retrieve from the database an environment-control parameter as a function of the cargo identification” and wherein the environment control system is configured to regulate an environment adjusting system with a controller to adjust an environment of the conditioned space based upon the environment-control parameter communicated from the database to the controller”, in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

2. Prior art of record

Finn’s database contains ranges of conditions that acceptable and are compared to the parameter of the specific type or cargo which alerts operator to out of range condition. Finn does not teach sending this out of range condition to a controller for controlling the condition of a space using this comparison of the range versus the parameter of the function of the identified cargo.

Roehrich teaches manually adjusting a temperature set point selector. Roehrich does not teach the limitation that Finn lacks.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

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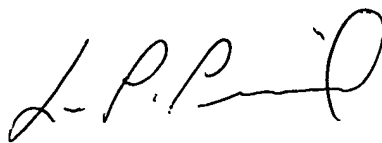
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chad Rapp  
Examiner  
Art Unit 2125

cjr



**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**